

AN ACT

relating to the adoption of certain voting procedures and to certain elections, including procedures necessary to implement the federal Military and Overseas Voter Empowerment Act, deadlines for declaration of candidacy and dates for certain elections, and to terms of certain elected officials.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 101, Election Code, is amended to read as follows:

CHAPTER 101. VOTING BY RESIDENT FEDERAL POSTCARD APPLICANT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 101.001. ELIGIBILITY. A person is eligible for early voting by mail as provided by this chapter if:

(1) the person is qualified to vote in this state or, if not registered to vote in this state, would be qualified if registered; and

(2) the person is:

(A) a member of the armed forces of the United States, or the spouse or a dependent of a member;

(B) a member of the merchant marine of the United States, or the spouse or a dependent of a member; or

(C) domiciled in this state but temporarily living outside the territorial limits of the United States and the District of Columbia.

1 Sec. 101.002. GENERAL CONDUCT OF VOTING. Voting under this
2 chapter shall be conducted and the results shall be processed as
3 provided by Subtitle A for early voting by mail, except as otherwise
4 provided by this chapter.

5 Sec. 101.003. DEFINITIONS. ~~[FORM AND CONTENTS OF~~
6 ~~APPLICATION. (a) An application for a ballot to be voted under~~
7 ~~this chapter must:~~

8 ~~[(1) be submitted on an official federal postcard~~
9 ~~application form, and~~

10 ~~[(2) include the information necessary to indicate~~
11 ~~that the applicant is eligible to vote in the election for which the~~
12 ~~ballot is requested.~~

13 ~~[(b)]~~ In this chapter:

14 (1) "Federal~~[, "federal]~~ postcard application" means
15 an application for a ballot to be voted under this chapter submitted
16 on the official federal form prescribed under the federal Uniformed
17 and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff
18 et seq.).

19 (2) "FPCA registrant" means a person registered to
20 vote under Section 101.055.

21 Sec. 101.004. NOTING FPCA REGISTRATION ON POLL LIST. For
22 each FPCA registrant accepted to vote, a notation shall be made
23 beside the voter's name on the early voting poll list indicating
24 that the voter is an FPCA registrant.

25 Sec. 101.005. NOTING FPCA REGISTRATION AND E-MAIL ON EARLY
26 VOTING ROSTER. The entry on the early voting roster pertaining to a
27 voter under this chapter who is an FPCA registrant must include a

notation indicating that the voter is an FPCA registrant. The early voting clerk shall note on the early voting by mail roster each e-mail of a ballot under Subchapter C.

Sec. 101.006. EXCLUDING FPCA REGISTRANT FROM PRECINCT EARLY VOTING LIST. A person to whom a ballot is provided under this chapter is not required to be included on the precinct early voting list if the person is an FPCA registrant.

Sec. 101.007. DESIGNATION OF SECRETARY OF STATE. (a) The secretary of state is designated as the state office to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.).

(b) The secretary of state is designated as the state coordinator between military and overseas voters and county election officials. A county election official shall:

(1) cooperate with the secretary of state to ensure that military and overseas voters timely receive accurate balloting materials that a voter is able to cast in time for the election; and

(2) otherwise comply with the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

(c) The secretary of state may adopt rules as necessary to implement this section.

Sec. 101.008. STATUS OF APPLICATION OR BALLOT VOTED. The secretary of state, in coordination with local election officials,

1 shall implement an electronic free-access system by which a person
2 eligible for early voting by mail under this chapter or Chapter 114
3 may determine by telephone, by e-mail, or over the Internet
4 whether:

5 (1) the person's federal postcard application or other
6 registration or ballot application has been received and accepted;
7 and

8 (2) the person's ballot has been received and the
9 current status of the ballot.

10 SUBCHAPTER B. SUBMISSION OF FEDERAL POSTCARD APPLICATION

11 Sec. 101.051. FORM AND CONTENTS OF APPLICATION. An
12 application for a ballot to be voted under this subchapter must:

13 (1) be submitted on an official federal postcard
14 application form; and

15 (2) include the information necessary to indicate that
16 the applicant is eligible to vote in the election for which the
17 ballot is requested.

18 Sec. 101.052 [101.004]. SUBMITTING APPLICATION. (a) A
19 federal postcard application must be submitted to the early voting
20 clerk for the election who serves the election precinct of the
21 applicant's residence.

22 (a-1) A federal postcard application must be submitted by:

23 (1) mail; or

24 (2) electronic transmission of an image of the
25 application under procedures prescribed by the secretary of state.

26 (b) A federal postcard application may be submitted at any
27 time during the calendar year in which the election for which a

1 ballot is requested occurs, but not later than the deadline for
2 submitting a regular application for a ballot to be voted by mail.

3 (c) A federal postcard application requesting a ballot for
4 an election to be held in January or February may be submitted in
5 the preceding calendar year but not earlier than the earliest date
6 for submitting a regular application for a ballot to be voted by
7 mail.

8 (d) A timely application that is addressed to the wrong
9 early voting clerk shall be forwarded to the proper early voting
10 clerk not later than the day after the date it is received by the
11 wrong clerk.

12 (e) An applicant who otherwise complies with applicable
13 requirements is entitled to receive a full ballot to be voted by
14 mail under this chapter if:

15 (1) the applicant submits a federal postcard
16 application to the early voting clerk on or before the 20th day
17 before election day; and

18 (2) the application contains the information that is
19 required for registration under Title 2.

20 (f) The applicant is entitled to receive only a federal
21 ballot to be voted by mail under Chapter 114 if:

22 (1) the applicant submits the federal postcard
23 application to the early voting clerk after the date provided by
24 Subsection (e)(1) and before the sixth day before election day; and

25 (2) the application contains the information that is
26 required for registration under Title 2.

27 (g) An applicant who submits a federal postcard application

1 to the early voting clerk on or after the sixth day before election
2 day is not entitled to receive a ballot by mail for that election.

3 (h) If the applicant submits the federal postcard
4 application within the time prescribed by Subsection (f)(1) and is
5 a registered voter at the address contained on the application, the
6 applicant is entitled to receive a full ballot to be voted by mail
7 under this chapter.

8 (i) Except as provided by Subsections (l) and (m), for
9 purposes of determining the date a federal postcard application is
10 submitted to the early voting clerk, an application is considered
11 to be submitted on the date it is placed and properly addressed in
12 the United States mail. An application mailed from an Army/Air
13 Force Post Office (APO) or Fleet Post Office (FPO) is considered
14 placed in the United States mail. The date indicated by the post
15 office cancellation mark, including a United States military post
16 office cancellation mark, is considered to be the date the
17 application was placed in the mail unless proven otherwise. For
18 purposes of an application made under Subsection (e):

19 (1) an application that does not contain a
20 cancellation mark is considered to be timely if it is received by
21 the early voting clerk on or before the 15th day before election
22 day; and

23 (2) if the 20th day before the date of an election is a
24 Saturday, Sunday, or legal state or national holiday, an
25 application is considered to be timely if it is submitted to the
26 early voting clerk on or before the next regular business day.

27 (j) If the early voting clerk determines that an application

that is submitted before the time prescribed by Subsection (e)(1) does not contain the information that is required for registration under Title 2, the clerk shall notify the applicant of that fact. If the applicant has provided a telephone number or an address for receiving mail over the Internet, the clerk shall notify the applicant by that medium.

(k) If the applicant submits the missing information before the time prescribed by Subsection (e)(1), the applicant is entitled to receive a full ballot to be voted by mail under this chapter. If the applicant submits the missing information after the time prescribed by Subsection (e)(1), the applicant is entitled to receive a full ballot to be voted by mail for the next election that occurs:

(1) in the same calendar year; and

(2) after the 30th day after the date the information is submitted.

(l) For purposes of determining the end of the period that an application may be submitted under Subsection (f)(1), an application is considered to be submitted at the time it is received by the early voting clerk.

(m) The secretary of state by rule shall establish the date on which a federal postcard application is considered to be electronically submitted to the early voting clerk.

Sec. 101.053 [~~101.0041~~]. ACTION BY EARLY VOTING CLERK ON CERTAIN APPLICATIONS. The early voting clerk shall notify the voter registrar of a federal postcard application submitted by an applicant that states a voting residence address located outside

1 the registrar's county.

2 Sec. 101.054 [~~101.005~~]. APPLYING FOR MORE THAN ONE ELECTION
3 IN SAME APPLICATION. (a) A person may apply with a single federal
4 postcard application for a ballot for any one or more elections in
5 which the early voting clerk to whom the application is submitted
6 conducts early voting.

7 (b) An application that does not identify the election for
8 which a ballot is requested shall be treated as if it requests a
9 ballot for:

10 (1) each general election in which the clerk conducts
11 early voting; and

12 (2) the general primary election if the application
13 indicates party preference and is submitted to the early voting
14 clerk for the primary.

15 (c) An application shall be treated as if it requests a
16 ballot for[+]

17 [~~(1)~~] a runoff election that results from an election
18 for which a ballot is requested[~~, and~~

19 [~~(2) each election for a federal office, including a~~
20 ~~primary or runoff election, that occurs on or before the date of the~~
21 ~~second general election for state and county officers that occurs~~
22 ~~after the date the application is submitted~~].

23 (d) An application requesting a ballot for more than one
24 election shall be preserved for the period for preserving the
25 precinct election records for the last election for which the
26 application is effective.

27 Sec. 101.055 [~~101.006~~]. FPCA VOTER REGISTRATION. (a) The

1 submission of a federal postcard application that complies with the
2 applicable requirements by an unregistered applicant constitutes
3 registration by the applicant:

4 (1) for the purpose of voting in the election for which
5 a ballot is requested; and

6 (2) under Title 2 unless the person indicates on the
7 application that the person is residing outside the United States
8 indefinitely.

9 (b) For purposes of registering to vote under this chapter,
10 a person shall provide the address of the last place of residence of
11 the person in this state or the last place of residence in this
12 state of the person's parent or legal guardian.

13 (c) The registrar shall register the person at the address
14 provided under Subsection (b) unless that address no longer is
15 recognized as a residential address, in which event the registrar
16 shall assign the person to an address under procedures prescribed
17 by the secretary of state [In this chapter, "FPCA registrant" means
18 a person registered to vote under this section].

19 Sec. 101.056 [~~101.007~~]. METHOD OF PROVIDING BALLOT;
20 REQUIRED ADDRESS. (a) The balloting materials provided under this
21 subchapter [~~chapter~~] shall be airmailed to the voter free of United
22 States postage, as provided by the federal Uniformed and Overseas
23 Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), in
24 an envelope labeled "Official Election Balloting Material - via
25 Airmail." The secretary of state shall provide early voting clerks
26 with instructions on compliance with this subsection.

27 (b) The address to which the balloting materials are sent to

1 a voter must be:

2 (1) an address outside the county of the voter's
3 residence; or

4 (2) an address in the United States for forwarding or
5 delivery to the voter at a location outside the United States.

6 (c) If the address to which the balloting materials are to
7 be sent is within the county served by the early voting clerk, the
8 federal postcard application must indicate that the balloting
9 materials will be forwarded or delivered to the voter at a location
10 outside the United States.

11 Sec. 101.057 [~~101.008~~]. RETURN OF VOTED BALLOT. A ballot
12 voted under this subchapter [~~chapter~~] may be returned to the early
13 voting clerk by mail, common or contract carrier, or courier.

14 [~~Sec. 101.009. NOTING FPCA REGISTRATION ON POLL LIST. For~~
15 ~~each FPCA registrant accepted to vote, a notation shall be made~~
16 ~~beside the voter's name on the early voting poll list indicating~~
17 ~~that the voter is an FPCA registrant.~~

18 [~~Sec. 101.010. NOTING FPCA REGISTRATION ON EARLY VOTING~~
19 ~~ROSTER. The entry on the early voting roster pertaining to a voter~~
20 ~~under this chapter who is an FPCA registrant must include a notation~~
21 ~~indicating that the voter is an FPCA registrant.~~

22 [~~Sec. 101.011. EXCLUDING FPCA REGISTRANT FROM PRECINCT~~
23 ~~EARLY VOTING LIST. A person to whom a ballot is provided under this~~
24 ~~chapter is not required to be included on the precinct early voting~~
25 ~~list if the person is an FPCA registrant.~~]

26 Sec. 101.058 [~~101.012~~]. OFFICIAL CARRIER ENVELOPE. The
27 officially prescribed carrier envelope for voting under this

subchapter [~~chapter~~] shall be prepared so that it can be mailed free of United States postage, as provided by the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.) [~~Federal Voting Assistance Act of 1955~~], and must contain the label prescribed by Section 101.056(a) [~~101.007(a)~~] for the envelope in which the balloting materials are sent to a voter. The secretary of state shall provide early voting clerks with instructions on compliance with this section.

SUBCHAPTER C. E-MAIL TRANSMISSION OF BALLOTING MATERIALS

Sec. 101.101. PURPOSE. The purpose of this subchapter is to implement the federal Military and Overseas Voter Empowerment Act (Pub. L. No. 111-84, Div. A, Title V, Subt. H).

Sec. 101.102. REQUEST FOR BALLOTING MATERIALS. (a) A person eligible to vote under this chapter may request from the appropriate early voting clerk e-mail transmission of balloting materials under this subchapter.

(b) The early voting clerk shall grant a request made under this section for the e-mail transmission of balloting materials if:

(1) the requestor has submitted a valid federal postcard application and:

(A) if the requestor is a person described by Section 101.001(2)(C), has provided a current mailing address that is located outside the United States; or

(B) if the requestor is a person described by Section 101.001(2)(A) or (B), has provided a current mailing address that is located outside the requestor's county of residence;

1 (2) the requestor provides an e-mail address:

2 (A) that corresponds to the address on file with
3 the requestor's federal postcard application; or

4 (B) stated on a newly submitted federal postcard
5 application;

6 (3) the request is submitted on or before the seventh
7 day before the date of the election; and

8 (4) a marked ballot for the election from the
9 requestor has not been received by the early voting clerk.

10 Sec. 101.103. CONFIDENTIALITY OF E-MAIL ADDRESS. An e-mail
11 address used under this subchapter to request balloting materials
12 is confidential and does not constitute public information for
13 purposes of Chapter 552, Government Code. An early voting clerk
14 shall ensure that a voter's e-mail address provided under this
15 subchapter is excluded from public disclosure.

16 Sec. 101.104. ELECTIONS COVERED. The e-mail transmission
17 of balloting materials under this subchapter is limited to:

18 (1) an election in which an office of the federal
19 government appears on the ballot, including a primary election;

20 (2) an election to fill a vacancy in the legislature
21 unless:

22 (A) the election is ordered as an emergency
23 election under Section 41.0011; or

24 (B) the election is held as an expedited election
25 under Section 203.013; or

26 (3) an election held jointly with an election
27 described by Subdivision (1) or (2).

Sec. 101.105. BALLOTING MATERIALS TO BE SENT BY E-MAIL.

Balloting materials to be sent by e-mail under this subchapter include:

(1) the appropriate ballot;

(2) ballot instructions, including instructions that inform a voter that the ballot must be returned by mail to be counted;

(3) instructions prescribed by the secretary of state on:

(A) how to print a return envelope from the federal Voting Assistance Program website; and

(B) how to create a carrier envelope or signature sheet for the ballot; and

(4) a list of certified write-in candidates, if applicable.

Sec. 101.106. METHODS OF TRANSMISSION TO VOTER. (a) The balloting materials may be provided by e-mail to the voter in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state in writing.

(b) The secretary of state shall prescribe procedures for the retransmission of balloting materials following an unsuccessful transmission of the materials to a voter.

Sec. 101.107. RETURN OF BALLOT. (a) A voter described by Section 101.001(2)(A) or (B) must be voting from outside the voter's county of residence. A voter described by Section 101.001(2)(C) must be voting from outside the United States.

(b) A voter who receives a ballot under this subchapter must return the ballot in the same manner as required under Section 101.057 and, except as provided by Chapter 105, may not return the ballot by electronic transmission.

(c) A ballot that is not returned as required by Subsection (b) is considered a ballot not timely returned and is not sent to the early voting ballot board for processing.

(d) The deadline for the return of a ballot under this section is the same deadline as provided in Section 86.007.

Sec. 101.108. TRACKING OF BALLOTING MATERIALS. The secretary of state by rule shall create a tracking system under which an FPCA registrant may determine whether a voted ballot has been received by the early voting clerk. Each county that sends ballots to FPCA registrants shall provide information required by the secretary of state to implement the system.

Sec. 101.109. RULES. (a) The secretary of state may adopt rules as necessary to implement this subchapter.

(b) The secretary of state may provide for an alternate secure method of electronic ballot transmission under this subchapter instead of transmission by e-mail

~~[Sec. 101.013. DESIGNATION OF SECRETARY OF STATE. The secretary of state is designated as the state office to provide information regarding voter registration procedures and absentee ballot procedures, including procedures related to the federal write-in absentee ballot, to be used by persons eligible to vote under the federal Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. Section 1973ff et seq.), as amended].~~

1 SECTION 2. Section 2.025, Election Code, is amended by
2 amending Subsection (a) and adding Subsection (d) to read as
3 follows:

4 (a) Except as provided by Subsection (d) or as otherwise
5 provided by this code, a runoff election shall be held not earlier
6 than the 20th or later than the 45th day after the date the final
7 canvass of the main election is completed.

8 (d) A runoff election for a special election to fill a
9 vacancy in Congress or a special election to fill a vacancy in the
10 legislature to which Section 101.104 applies shall be held not
11 earlier than the 70th day or later than the 77th day after the date
12 the final canvass of the main election is completed.

13 SECTION 3. Subsection (c), Section 3.005, Election Code, is
14 amended to read as follows:

15 (c) For an election to be held on:

16 (1) the date of the general election for state and
17 county officers, the election shall be ordered not later than the
18 78th [70th] day before election day; and

19 (2) a uniform election date other than the date of the
20 general election for state and county officers, the election shall
21 be ordered not later than the 71st day before election day.

22 SECTION 4. Section 41.001, Election Code, is amended by
23 amending Subsection (a) and adding Subsection (d) to read as
24 follows:

25 (a) Except as otherwise provided by this subchapter, each
26 general or special election in this state shall be held on one of
27 the following dates:

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(1) the second Saturday in May in an odd-numbered
year;

(2) the second Saturday in May in an even-numbered
year, for an election held by a political subdivision other than a
county; or

(3) ~~[(2)]~~ the first Tuesday after the first Monday in
November.

(d) Notwithstanding Section 31.093, a county elections
administrator is not required to enter into a contract to furnish
election services for an election held on the date described by
Subsection (a)(2).

SECTION 5. Section 41.0052, Election Code, is amended to
read as follows:

Sec. 41.0052. CHANGING GENERAL ELECTION DATE. (a) ~~[The~~
~~governing body of a political subdivision other than a county may,~~
~~not later than December 31, 2005, change the date on which it holds~~
~~its general election for officers to another authorized uniform~~
~~election date.~~

~~[(a-1)]~~ The governing body of a political subdivision,
other than a county, that holds its general election for officers on
a date other than the November uniform election date may, not later
than December 31, 2012 ~~[2010]~~, change the date on which it holds its
general election for officers to the November uniform election
date.

(b) A governing body changing an election date under this
section shall adjust the terms of office to conform to the new
election date.

1 (c) A home-rule city may implement the change authorized by
2 Subsection (a) or provide for the election of all members of the
3 governing body at the same election through the adoption of a
4 resolution. The change contained in the resolution supersedes a
5 city charter provision that requires a different general election
6 date or that requires the terms of members of the governing body to
7 be staggered.

8 (d) The holdover of a member of a governing body of a city in
9 accordance with Section 17, Article XVI, Texas Constitution, so
10 that a term of office may be conformed to a new election date chosen
11 under this section does not constitute a vacancy for purposes of
12 Section 11(b), Article XI, Texas Constitution.

13 SECTION 6. Subsection (b), Section 41.007, Election Code,
14 is amended to read as follows:

15 (b) The runoff primary election date is the fourth Tuesday
16 in May [~~second Tuesday in April~~] following the general primary
17 election.

18 SECTION 7. Section 65.051, Election Code, is amended by
19 adding Subsection (c) to read as follows:

20 (c) Section 1.006 does not apply to this section.

21 SECTION 8. Subsection (b), Section 86.004, Election Code,
22 is amended to read as follows:

23 (b) For an election to which Section 101.104 applies [~~the~~
24 ~~general election for state and county officers~~], the balloting
25 materials for a voter who indicates on the application for a ballot
26 to be voted by mail or the federal postcard application that the
27 voter is eligible to vote early by mail as a consequence of the

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1 voter's being outside the United States shall be mailed on or before
2 the later of the 45th day before election day or the seventh
3 calendar day after the date the clerk receives the application.
4 However, if it is not possible to mail the ballots by the deadline
5 of the 45th day before election day, the clerk shall notify the
6 secretary of state within 24 hours of knowing that the deadline will
7 not be met. The secretary of state shall monitor the situation and
8 advise the clerk, who shall mail the ballots as soon as possible in
9 accordance with the secretary of state's guidelines.

10 SECTION 9. Subsection (b), Section 86.011, Election Code,
11 is amended to read as follows:

12 (b) If the return is timely, the clerk shall enclose the
13 carrier envelope and the voter's early voting ballot application in
14 a jacket envelope. The clerk shall also include in the jacket
15 envelope:

16 (1) a copy of the voter's federal postcard application
17 if the ballot is voted under Chapter 101; and

18 (2) the signature cover sheet, if the ballot is voted
19 under Chapter 105.

20 SECTION 10. Subchapter B, Chapter 87, Election Code, is
21 amended by adding Section 87.0223 to read as follows:

22 Sec. 87.0223. TIME OF DELIVERY: BALLOTS SENT OUT BY REGULAR
23 MAIL AND E-MAIL. (a) If the early voting clerk has provided a
24 voter a ballot to be voted by mail by both regular mail and e-mail
25 under Subchapter C, Chapter 101, the clerk may not deliver a jacket
26 envelope containing the early voting ballot voted by mail by the
27 voter to the board until:

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1 (1) both ballots are returned; or

2 (2) the deadline for returning marked ballots under

3 Section 86.007 has passed.

4 (b) If both the ballot provided by regular mail and the
5 ballot provided by e-mail are returned before the deadline, the
6 early voting clerk shall deliver only the jacket envelope
7 containing the ballot provided by e-mail to the board. The ballot
8 provided by regular mail is considered to be a ballot not timely
9 returned.

10 SECTION 11. Section 87.041, Election Code, is amended by
11 adding Subsection (f) to read as follows:

12 (f) In making the determination under Subsection (b)(2) for
13 a ballot cast under Chapter 101 or 105, the board shall compare the
14 signature on the carrier envelope or signature cover sheet with the
15 signature of the voter on the federal postcard application.

16 SECTION 12. Section 87.043, Election Code, is amended by
17 amending Subsection (a) and adding Subsection (d) to read as
18 follows:

19 (a) The early voting ballot board shall place the carrier
20 envelopes containing rejected ballots in an envelope and shall seal
21 the envelope. More than one envelope may be used if necessary. The
22 board shall keep a record of the number of rejected ballots in each
23 envelope.

24 (d) A notation must be made on the carrier envelope of any
25 ballot that was rejected after the carrier envelope was opened and
26 include the reason the envelope was opened and the ballot was
27 rejected.

1 SECTION 13. Section 87.0431, Election Code, is amended to
2 read as follows:

3 Sec. 87.0431. NOTICE OF REJECTED BALLOT. Not later than the
4 10th day after election day, the presiding judge of the early voting
5 ballot board shall deliver written notice of the reason for the
6 rejection of a ballot to the voter at the residence address on the
7 ballot application. If the ballot was transmitted to the voter by
8 e-mail under Subchapter C, Chapter 101, the presiding judge shall
9 also provide the notice to the e-mail address to which the ballot
10 was sent.

11 SECTION 14. Subsection (a), Section 87.044, Election Code,
12 is amended to read as follows:

13 (a) The early voting ballot board shall place each
14 application for a ballot voted by mail in its corresponding jacket
15 envelope. For a ballot voted under Chapter 101 or 105, the board
16 shall also place the copy of the voter's federal postcard
17 application or signature cover sheet in the same location as the
18 carrier envelope. If the voter's ballot was accepted, the board
19 shall also place the carrier envelope in the jacket envelope.
20 However, if the jacket envelope is to be used in a subsequent
21 election, the carrier envelope shall be retained elsewhere.

22 SECTION 15. Section 105.003, Election Code, is amended to
23 read as follows:

24 Sec. 105.003. USE OF FEDERAL WRITE-IN ABSENTEE BALLOT FOR
25 ELECTIONS FOR FEDERAL OFFICE. The secretary of state shall
26 prescribe procedures to allow a voter who qualifies to vote by a
27 federal write-in absentee ballot to vote through use of a federal

1 write-in absentee ballot in:

2 (1) any general, special, primary, or runoff election
3 for federal office; or

4 (2) an election for any office for which balloting
5 materials may be sent under Section 101.104.

6 SECTION 16. Subsection (b), Section 142.010, Election Code,
7 is amended to read as follows:

8 (b) Not later than the 68th [~~55th~~] day before general
9 election day, the certifying authority shall deliver the
10 certification to the authority responsible for having the official
11 ballot prepared in each county in which the candidate's name is to
12 appear on the ballot.

13 SECTION 17. Subsection (c), Section 143.007, Election Code,
14 is amended to read as follows:

15 (c) For an election to be held on:

16 (1) the date of the general election for state and
17 county officers, the day of the filing deadline is the 78th [~~70th~~]
18 day before election day; and

19 (2) a uniform election date other than the date of the
20 general election for state and county officers, the day of the
21 filing deadline is the 71st day before election day.

22 SECTION 18. Subsection (d), Section 144.005, Election Code,
23 is amended to read as follows:

24 (d) For an election to be held on:

25 (1) the date of the general election for state and
26 county officers, the day of the filing deadline is the 78th [~~70th~~]
27 day before election day; and

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1 (2) a uniform election date other than the date of the
2 general election for state and county officers, the day of the
3 filing deadline is the 71st day before election day.

4 SECTION 19. Subsection (b), Section 144.006, Election Code,
5 is amended to read as follows:

6 (b) For an election to be held on:

7 (1) the date of the general election for state and
8 county officers, the day of the filing deadline is the 78th [67th]
9 day before election day; and

10 (2) a uniform election date other than the date of the
11 general election for state and county officers, the day of the
12 filing deadline is the 71st day before election day.

13 SECTION 20. Subsection (e), Section 145.037, Election Code,
14 is amended to read as follows:

15 (e) The certification must be delivered not later than 5
16 p.m. of the 71st [70th] day before election day.

17 SECTION 21. Subsection (b), Section 145.038, Election Code,
18 is amended to read as follows:

19 (b) The state chair must deliver the certification of the
20 replacement nominee not later than 5 p.m. of the 69th [67th] day
21 before election day.

22 SECTION 22. Subsection (f), Section 145.092, Election Code,
23 is amended to read as follows:

24 (f) A candidate in an election for which the filing deadline
25 for an application for a place on the ballot is not later than 5 p.m.
26 of the 78th [70th] day before election day may not withdraw from the
27 election after 5 p.m. of the 71st [67th] day before election day.

1 SECTION 23. Subsection (a), Section 145.094, Election Code,
2 is amended to read as follows:

3 (a) The name of a candidate shall be omitted from the ballot
4 if the candidate:

5 (1) dies before the second day before the date of the
6 deadline for filing the candidate's application for a place on the
7 ballot;

8 (2) withdraws or is declared ineligible before 5 p.m.
9 of the second day before the beginning of early voting by personal
10 appearance, in an election subject to Section 145.092(a);

11 (3) withdraws or is declared ineligible before 5 p.m.
12 of the 53rd day before election day, in an election subject to
13 Section 145.092(b); or

14 (4) withdraws or is declared ineligible before 5 p.m.
15 of the 71st [~~67th~~] day before election day, in an election subject
16 to Section 145.092(f).

17 SECTION 24. Subsection (a), Section 145.096, Election Code,
18 is amended to read as follows:

19 (a) Except as provided by Subsection (b), a candidate's name
20 shall be placed on the ballot if the candidate:

21 (1) dies on or after the second day before the deadline
22 for filing the candidate's application for a place on the ballot;

23 (2) is declared ineligible after 5 p.m. of the second
24 day before the beginning of early voting by personal appearance, in
25 an election subject to Section 145.092(a);

26 (3) is declared ineligible after 5 p.m. of the 53rd day
27 before election day, in an election subject to Section 145.092(b);

1 or

2 (4) is declared ineligible after 5 p.m. of the 71st
3 [~~67th~~] day before election day, in an election subject to Section
4 145.092(f).

5 SECTION 25. Subsections (a) and (b), Section 146.025,
6 Election Code, are amended to read as follows:

7 (a) A declaration of write-in candidacy must be filed not
8 later than 5 p.m. of the 78th [~~70th~~] day before general election
9 day, except as otherwise provided by this code. A declaration may
10 not be filed earlier than the 30th day before the date of the
11 regular filing deadline.

12 (b) If a candidate whose name is to appear on the general
13 election ballot dies or is declared ineligible after the third day
14 before the date of the filing deadline prescribed by Subsection
15 (a), a declaration of write-in candidacy for the office sought by
16 the deceased or ineligible candidate may be filed not later than 5
17 p.m. of the 75th [~~67th~~] day before election day.

18 SECTION 26. Subsection (c), Section 146.029, Election Code,
19 is amended to read as follows:

20 (c) Not later than the 68th [~~62nd~~] day before election day,
21 the certifying authority shall deliver the certification to the
22 authority responsible for having the official ballot prepared in
23 each county in which the office sought by the candidate is to be
24 voted on.

25 SECTION 27. Subsection (b), Section 146.054, Election Code,
26 is amended to read as follows:

27 (b) For an election to be held on:

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1 (1) the date of the general election for state and
2 county officers, the day of the filing deadline is the 74th ~~[67th]~~
3 day before election day; and

4 (2) a uniform election date other than the date of the
5 general election for state and county officers, the day of the
6 filing deadline is the 71st day before election day.

7 SECTION 28. Subsection (b), Section 161.008, Election Code,
8 is amended to read as follows:

9 (b) Not later than the 68th ~~[62nd]~~ day before general
10 election day, the secretary of state shall deliver the
11 certification to the authority responsible for having the official
12 general election ballot prepared in each county in which the
13 candidate's name is to appear on the ballot.

14 SECTION 29. Subsection (a), Section 172.023, Election Code,
15 is amended to read as follows:

16 (a) An application for a place on the general primary
17 election ballot must be filed not later than 6 p.m. on the second
18 Monday in December of an odd-numbered year ~~[January 2 in the primary~~
19 ~~election year]~~ unless the filing deadline is extended under
20 Subchapter C.

21 SECTION 30. Subsection (d), Section 171.0231, Election
22 Code, is amended to read as follows:

23 (d) A declaration of write-in candidacy must be filed not
24 later than 6 ~~[5]~~ p.m. of the fifth ~~[62nd]~~ day after the date of the
25 filing deadline for the ~~[before]~~ general primary election ~~[day.~~
26 ~~However, if a candidate whose name is to appear on the ballot for~~
27 ~~the office of county chair or precinct chair dies or is declared~~

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1 ~~ineligible after the third day before the date of the regular filing~~
2 ~~deadline prescribed by this subsection, a declaration of write-in~~
3 ~~candidacy for the office sought by the deceased or ineligible~~
4 ~~candidate may be filed not later than 5 p.m. of the 59th day before~~
5 ~~election day].~~

6 SECTION 31. Subsection (b), Section 172.028, Election Code,
7 is amended to read as follows:

8 (b) Not later than the 81st ~~[57th]~~ day before general
9 primary election day, the state chair shall deliver the
10 certification to the county chair in each county in which the
11 candidate's name is to appear on the ballot.

12 SECTION 32. Subsection (a), Section 172.052, Election Code,
13 is amended to read as follows:

14 (a) A candidate for nomination may not withdraw from the
15 general primary election after the 79th ~~[62nd]~~ day before general
16 primary election day.

17 SECTION 33. Subsections (a) and (b), Section 172.054,
18 Election Code, are amended to read as follows:

19 (a) The deadline for filing an application for a place on
20 the general primary election ballot is extended as provided by this
21 section if a candidate who has made an application that complies
22 with the applicable requirements:

23 (1) dies on or after the fifth day before the date of
24 the regular filing deadline and on or before the 79th ~~[62nd]~~ day
25 before general primary election day;

26 (2) holds the office for which the application was
27 made and withdraws or is declared ineligible on or after the date of

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1 the regular filing deadline and on or before the 79th [~~62nd~~] day
2 before general primary election day; or

3 (3) withdraws or is declared ineligible during the
4 period prescribed by Subdivision (2), and at the time of the
5 withdrawal or declaration of ineligibility no other candidate has
6 made an application that complies with the applicable requirements
7 for the office sought by the withdrawn or ineligible candidate.

8 (b) An application for an office sought by a withdrawn,
9 deceased, or ineligible candidate must be filed not later than 6
10 p.m. of the 81st [~~60th~~] day before general primary election day. An
11 application filed by mail with the state chair is not timely if
12 received later than 5 p.m. of the 81st [~~60th~~] day before general
13 primary election day.

14 SECTION 34. Section 172.057, Election Code, is amended to
15 read as follows:

16 Sec. 172.057. WITHDRAWN, DECEASED, OR INELIGIBLE
17 CANDIDATE'S NAME OMITTED FROM GENERAL PRIMARY BALLOT. A
18 candidate's name shall be omitted from the general primary election
19 ballot if the candidate withdraws, dies, or is declared ineligible
20 on or before the 79th [~~62nd~~] day before general primary election
21 day.

22 SECTION 35. Subsection (a), Section 172.058, Election Code,
23 is amended to read as follows:

24 (a) If a candidate who has made an application for a place on
25 the general primary election ballot that complies with the
26 applicable requirements dies or is declared ineligible after the
27 79th [~~62nd~~] day before general primary election day, the

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1 candidate's name shall be placed on the ballot and the votes cast
2 for the candidate shall be counted and entered on the official
3 election returns in the same manner as for the other candidates.

4 SECTION 36. Subsection (a), Section 172.059, Election Code,
5 is amended to read as follows:

6 (a) A candidate for nomination may not withdraw from the
7 runoff primary election after 5 p.m. of the 8th ~~[10th]~~ day after
8 general primary election day.

9 SECTION 37. Subsection (c), Section 172.082, Election Code,
10 is amended to read as follows:

11 (c) The drawing shall be conducted at the county seat not
12 later than the third Tuesday in December of an odd-numbered year
13 ~~[53rd day before general primary election day]~~.

14 SECTION 38. Subsection (b), Section 192.033, Election Code,
15 is amended to read as follows:

16 (b) The secretary of state shall deliver the certification
17 to the authority responsible for having the official ballot
18 prepared in each county before the later of the 68th ~~[62nd]~~ day
19 before presidential election day or the second business day after
20 the date of final adjournment of the party's national presidential
21 nominating convention.

22 SECTION 39. Subsection (b), Section 201.051, Election Code,
23 is amended to read as follows:

24 (b) For a vacancy to be filled by a special election to be
25 held on the date of the general election for state and county
26 officers, the election shall be ordered not later than the 78th
27 ~~[70th]~~ day before election day.

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SECTION 40. Subsection (f), Section 201.054, Election Code, is amended to read as follows:

(f) For a special election to be held on the date of the general election for state and county officers, the day of the filing deadline is the 75th ~~[67th]~~ day before election day.

SECTION 41. Section 501.109, Election Code, is amended to read as follows:

Sec. 501.109. ELECTION IN ~~[CERTAIN]~~ MUNICIPALITIES.

(a) This section applies only to an election to permit or prohibit the legal sale of alcoholic beverages of one or more of the various types and alcoholic contents in a municipality ~~[that is located in more than one county]~~.

(b) An election to which this section applies shall be conducted by the municipality instead of a county ~~[the counties]~~. For the purposes of an election conducted under this section, a reference in this chapter to:

(1) the county is considered to refer to the municipality;

(2) the commissioners court is considered to refer to the governing body of the municipality;

(3) the county clerk or voter registrar is considered to refer to the secretary of the municipality or, if the municipality does not have a secretary, to the person performing the functions of a secretary of the municipality; and

(4) the county judge is considered to refer to the mayor of the municipality or, if the municipality does not have a mayor, to the presiding officer of the governing body of the

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1 municipality.

2 (c) The municipality shall pay the expense of the election.

3 (d) An action to contest the election under Section 501.155
4 may be brought in the district court of any county in which the
5 municipality is located.

6 SECTION 42. Subsections (a) and (c), Section 11.055,
7 Education Code, are amended to read as follows:

8 (a) Except as provided by Subsection (c), an application of
9 a candidate for a place on the ballot must be filed not later than 5
10 p.m. of the 71st ~~[62nd]~~ day before the date of the election. An
11 application may not be filed earlier than the 30th day before the
12 date of the filing deadline.

13 (c) For an election to be held on the date of the general
14 election for state and county officers, the day of the filing
15 deadline is the 78th ~~[70th]~~ day before election day.

16 SECTION 43. Subsection (b), Section 11.056, Education Code,
17 is amended to read as follows:

18 (b) A ~~[Except as provided by Subsection (e), a]~~ declaration
19 of write-in candidacy must be filed not later than the deadline
20 prescribed by Section 146.054, Election Code, for a write-in
21 candidate in a city election ~~[5 p.m. of the fifth day after the date~~
22 ~~an application for a place on the ballot is required to be filed]~~.

23 SECTION 44. Subsection (e), Section 11.059, Education Code,
24 is amended to read as follows:

25 (e) Not later than December 31, 2011 ~~[2007]~~, the board of
26 trustees may adopt a resolution changing the length of the terms of
27 its trustees. The resolution must provide for staggered terms [a

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1 ~~term~~] of either three or four years and specify the manner in which
2 the transition from the length of the former term to the modified
3 term is made. The transition must begin with the first regular
4 election for trustees that occurs after January 1, 2012 [~~2008~~], and
5 a trustee who serves on that date shall serve the remainder of that
6 term. This subsection expires January 1, 2017 [~~2013~~].

7 SECTION 45. Subsection (b), Section 130.0825, Education
8 Code, is amended to read as follows:

9 (b) A [~~Except as provided by Subsection (e), a~~] declaration
10 of write-in candidacy must be filed not later than the deadline
11 prescribed by Section 146.054, Election Code, for a write-in
12 candidate in a city election [~~5 p.m. of the fifth day after the date~~
13 ~~an application for a place on the ballot is required to be filed~~].

14 SECTION 46. Subsection (d), Section 285.131, Health and
15 Safety Code, is amended to read as follows:

16 (d) A [~~Except as provided by Subsection (g), a~~] declaration
17 of write-in candidacy must be filed not later than the deadline
18 prescribed by Section 146.054, Election Code, for a write-in
19 candidate in a city election [~~5 p.m. of the fifth day after the date~~
20 ~~an application for a place on the ballot is required to be filed~~].

21 SECTION 47. Subchapter A, Chapter 21, Local Government
22 Code, is amended by adding Section 21.004 to read as follows:

23 Sec. 21.004. CHANGE OF LENGTH OR STAGGERING OF TERMS IN
24 GENERAL-LAW MUNICIPALITY. (a) This section applies only to a
25 general-law municipality whose governing body is composed of
26 members that serve:

27 (1) a term of one or three years; or

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1 (2) staggered terms.

2 (b) Not later than December 31, 2012, the governing body of
3 the general-law municipality may adopt a resolution:

4 (1) changing the length of the terms of its members to
5 two years; or

6 (2) providing for the election of all members of the
7 governing body at the same election.

8 (c) The resolution must specify the manner in which the
9 transition in the length of terms is made. The transition must
10 begin with the first regular election for members of the governing
11 body that occurs after January 1, 2013, and a member who serves on
12 that date shall serve the remainder of that term.

13 (d) This section expires January 1, 2016.

14 SECTION 48. Subsection (d), Section 63.0945, Water Code, is
15 amended to read as follows:

16 (d) A ~~[Except as provided by Subsection (f), a]~~ declaration
17 of write-in candidacy must be filed not later than the deadline
18 prescribed by Section 146.054, Election Code, for a write-in
19 candidate in a city election ~~[5 p.m. of the fifth day after the date~~
20 ~~an application for a place on the ballot is required to be filed]~~.

21 SECTION 49. To the extent of any conflict, this Act prevails
22 over another Act of the 82nd Legislature, Regular Session, 2011,
23 regardless of the relative dates of enactment.

24 SECTION 50. The secretary of state shall adopt rules as
25 necessary to implement this Act, including the adjustment or
26 modification of any affected date, deadline, or procedure.

27 SECTION 51. The following are repealed:

1 (1) Section 41.0053, Election Code;

2 (2) Subsection (e), Section 11.056, and Subsection
3 (e), Section 130.0825, Education Code;

4 (3) Subsection (g), Section 285.131, Health and Safety
5 Code; and

6 (4) Subsection (f), Section 63.0945, Water Code.

7 SECTION 52. (a) This section applies only to a political
8 subdivision that elects the members of its governing body to a term
9 that consists of an odd number of years.

10 (b) Not later than December 31, 2012, the governing body of
11 the political subdivision may adopt a resolution changing the
12 length of the terms of its members to an even number of years. The
13 resolution must specify the manner in which the transition from the
14 length of the former term to the modified term is made. The
15 transition must begin with the first regular election for members
16 of the governing body that occurs after January 1, 2013, and a
17 member who serves on that date shall serve the remainder of that
18 term.

19 (c) This section expires January 1, 2020.

20 SECTION 53. The changes in law made by this Act do not apply
21 to an election held on November 8, 2011.

22 SECTION 54. This Act takes effect September 1, 2011.

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S.B. No. 100

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I hereby certify that S.B. No. 100 passed the Senate on April 14, 2011, by the following vote: Yeas 29, Nays 1; May 27, 2011, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2011, House granted request of the Senate; May 29, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Letsy Spaw

Secretary of the Senate

I hereby certify that S.B. No. 100 passed the House, with amendments, on May 25, 2011, by the following vote: Yeas 143, Nays 1, two present not voting; May 27, 2011, House granted request of the Senate for appointment of Conference Committee; May 29, 2011, House adopted Conference Committee Report by the following vote: Yeas 147, Nays 0, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK

JUN 17 2011

Greg Abbott

Secretary of State